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04                   UNITED STATES DISTRICT COURT  
05                   WESTERN DISTRICT OF WASHINGTON  
06                   AT SEATTLE

07         UNITED STATES OF AMERICA,                   ) CASE NO. MJ 16-449  
08    )  
09         Plaintiff,                                      )  
10    )  
11         v.    ) DETENTION ORDER  
12         GARRETT RISER,                                )  
13    )  
14         Defendant.                                      )  
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12 Offense Charged: Failure to Surrender, as directed, to serve a sentence. 18 USC ¶3146(a)(2).

13 Procedural History and Status

14         This court revoked defendant's supervised release in a prior case, CR 10-299 JCC, and  
15 sentenced defendant to a term of imprisonment followed by an additional term of supervised  
16 release. The court permitted defendant to remain at large, until ordered to surrender to serve  
17 that sentence. Defendant allegedly did not surrender as directed, forming the basis for the  
18 separate criminal offense charged in this case. He was later arrested, remanded to custody,  
19 and has now served his sentence in that prior case.

20 Date of Detention Hearing: October 28, 2016.

21         The Court, having conducted a detention hearing pursuant to 18 U.S.C. § 3142(f), and  
22 based upon the factual findings and statement of reasons for detention hereafter set forth,

01 finds that no condition or combination of conditions which defendant can meet will  
02 reasonably assure that defendant will appear for future hearings, as directed.

03 **FINDINGS OF FACT AND STATEMENT OF REASONS FOR DETENTION**

04 (1) The allegations contained in the Complaint support the following conclusions.

05 Defendant gave repeated assurances to the U.S. Probation Office, and to the U.S.  
06 Marshal, that he would report to serve his sentence as directed. But when the time  
07 came, he decided not to do so, offering various excuses. These included the alleged  
08 needs of his family.

09 (2) His significant criminal record also includes some past instances of failures by  
10 defendant to appear in court, as directed.

11 (3) This behavior is consistent with a pattern he has demonstrated in prior proceedings in  
12 this court. Defendant evidently feels free to decide for himself that he is not required  
13 to comply with court-ordered supervision or with the court's orders. This history  
14 establishes, by a preponderance of the evidence, that the court cannot set conditions of  
15 release for him which would reasonably assure he would make his future court  
16 appearances. Defendant argues for the implementation of location monitoring  
17 devices. But this is not sufficient to reasonably assure appearances by a defendant  
18 who has demonstrated he will do so only when it suits his convenience.

19 (4) There is significant evidence defendant continues his use of methamphetamines and  
20 perhaps other controlled substances. He also failed to report as directed for drug  
21 testing on 17 occasions from January 2016 through March of 2016. He has also failed  
22 to complete drug treatment programs as directed on several occasions. These factors

are further evidence that he would not be amenable to pretrial supervision, and is not reliable to make his court appearances as required.

(5) While the United States has met its burden on the issue of risk of non-appearance, it has not met its burden of showing, by clear and convincing evidence, that defendant would pose a danger to other persons and the community if released on conditions.

It is therefore ORDERED:

(1) Defendant shall be detained pending trial and committed to the custody of the Attorney General for confinement in a correction facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal;

(2) Defendant shall be afforded reasonable opportunity for private consultation with counsel;

(3) On order of the United States or on request of an attorney for the Government, the person in charge of the corrections facility in which defendant is confined shall deliver the defendant to a United States Marshal for the purpose of an appearance in connection with a court proceeding;

(4) The Clerk shall direct copies of this Order to counsel for the United States, to counsel for the defendant, to the United States Marshal, and to the United States Probation Officer.

DATED this 28th day of October, 2016.

s/ John L. Weinberg  
United States Magistrate Judge